

BEFORE THE FEDERAL ELECTION COMMISSION

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MARGARET CHRIST
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v. MUR No. _____

LI JUAN “CINDY” YANG
3189 Hamblin Way
Wellington, FL 33414

XINYUE “DANIEL” LOU
192 Petrus Avenue
Staten Island, NY 10312

SUN CHANGCHUN
address unknown

JINGZHU “MARGARET” YANG
c/o AmeriChina
1345 Ave of the Americas
Rm.2-113
New York, NY 10105

JIUSI YAO
c/o BUDS
address unknown

MA JIN
c/o HGGT Limited
address unknown

LI JING
63 Wall St
New York, NY 10005

JON DENG
20142 Ocean Key Drive
Boca Raton, FL 33498

HUI LIU
20142 Ocean Key Drive
Boca Raton, FL 33498

RYAN XU
c/o Blockchain Global
Level 21 HWT Tower
40 City Road
Southbank, Melbourne 3006

LI XIAOHUA
c/o Huada Group International Co
22/f Po Shau Ctr
115 How Ming St
Kwun Tong, Hong Kong

JOHN DOE, JANE DOE, and other
persons who made contributions

JOHN DOE, JANE DOE, and other
persons who knowingly provided
substantial assistance in the making
of foreign national contributions,
and/or allowed their names to be
used to make contributions

COMPLAINT

1. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that Li Juan “Cindy” Yang, Xinyue “Daniel” Lou, Sun Changchun, Jingzhu “Margaret” Yang, Jiusi Yao, Ma Jin, and other unknown person(s) who made or knowingly provided substantial assistance in the making of foreign national contributions (John Doe, Jane Doe, and other persons), U.S. nationals who allowed their names to be used to facilitate such contributions or other straw

contributions, including Li Jing, Jon Deng, Hui Liu, and/or other unknown persons (John Doe, Jane Doe, and other persons), and foreign national contributors, including Li Xiaohua and Ryan Xu, have violated Sections 30121 and 30222 of the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30101, *et seq.*

2. Specifically, there is reason to believe that dozens of foreign nationals have made contributions to federal and local political committees, in violation of 52 U.S.C. § 30121, and have done so in the names of other persons, in violation of the straw donor ban at 52 U.S.C. § 30122. For over two years, Chinese nationals residing in China have been invited to U.S. fundraisers for committees including the Trump Victory Fund, a joint fundraising committee between Donald J. Trump for President, Inc., and the Republican National Committee (“RNC”), often at a six-figure cost. The invitations, some of which are topped with the insignia of the Trump Victory Fund, offer attendees an opportunity to attend fundraisers where admission is generally contingent on making a contribution and/or offer attendees an opportunity to take a picture with the President of the United States, a privilege only afforded to contributors who give or raise substantial amounts. Published reports and photographs posted on social media indicate that multiple Chinese nationals who participated in these excursions have gained admission to U.S. fundraisers, and some have appeared in photographs with the President. Although RNC officials and excursion organizers have described Chinese nationals participating in these events as “guests” of U.S. nationals who contributed the necessary sums, it is not plausible that dozens of wealthy U.S. nationals are routinely making contributions of up to \$50,000 using their own funds, and then passing the perks associated with that contribution to

a Chinese tourist who paid a travel firm many times that amount. Instead, it is far more likely that U.S. nationals are being reimbursed for their contributions using some portion of the funds paid by Chinese nationals participating in these political tourism packages. As a result, there is reason to believe (1) that organizers of these fundraising events violated FECA's prohibition on knowingly providing substantial assistance in the solicitation, making, acceptance, or receipt of a foreign national's contribution, 11 C.F.R. § 110.20(h)(1), (2) that U.S. nationals who allowed their name to be used to facilitate such contributions violated the straw donor ban, 52 U.S.C. § 30122, and (3) that the foreign national contributors violated the ban on foreign nationals making contributions, 52 U.S.C. § 30121.

3. "If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [the FECA] . . . [t]he Commission *shall make an investigation* of such alleged violation" 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a).

FACTS

4. On December 2, 2017, the Trump Victory Fund (I.D.: C00618389) held a fundraiser at the Cipriani restaurant in New York City,¹ and according to reports in the *Washington Post*² and *Miami Herald*,³ multiple Chinese nationals posed for pictures with President Trump at that fundraiser—a privilege reserved for contributors who

¹ Eyewitness News, *President Trump in New York City for Fund-Raising Events*, ABC 7 (Dec. 2, 2017), <https://abc7ny.com/trump-heads-to-nyc-to-host-series-of-fundraisers/2727050/>.

² Michelle Ye Hee Lee, Anu Narayanswamy, Emily Rauhala & Simon Denyer, *Invitations Offer Wealthy Chinese Access to President Trump at Fundraiser*, WASH. POST (May 25, 2018), https://www.washingtonpost.com/politics/invitations-offer-wealthy-chinese-access-to-president-trump-at-fundraiser/2018/05/25/3bc6a8ae-5e90-11e8-a4a4-c070ef53f315_story.html.

³ Sarah Blaskey, Nicholas Nehamas & Caitlin Ostroff, *Cindy Yang Helped Chinese Tech Stars Get \$50K Photos With Trump. Who Paid?*, MIAMI HERALD (Mar. 21, 2019), <https://www.miamiherald.com/latest-news/article227941749.html>.

gave \$50,000. For example, the *Post* reported that Li Xiaohua, chairman of Huada International Investment Group, received a photograph with the President,⁴ and the *Herald* reported that “cryptocurrency guru” Ryan Xu also received a picture.⁵ Neither Xiaohua nor Xu appear to be U.S. nationals, nor do their names appear in Commission records as contributors in the 2018 election cycle or past cycles. According to the *Post*,

A Republican Party official who spoke on the condition of anonymity to discuss individuals at a private fundraiser said the Chinese visitors to the Dec. 2 gathering in New York — which encompassed several events, including a breakfast with Trump — were guests of a U.S. citizen donor, whom the official declined to name.⁶

5. The *Miami Herald* later reported that Cindy Yang, who “runs a Florida-based consulting business called GY US Investments that promises to introduce Chinese investors into the president’s orbit,” had “arranged the presence of a large group of business people from mainland China” at the December 2017 event in her capacity as a fundraiser for the National Committee of Asian American Republicans (also known as the “Asian GOP”).⁷ The *Miami Herald* identified several of Yang’s guests at this fundraiser from its review of photos and social media posts, none of whom appear in Commission records as having contributed to Trump Victory in their own names.⁸

⁴ Lee, Narayanswamy, Rauhala & Denyer, *supra* note 2.

⁵ Blaskey, Nehamas & Ostroff, *supra* note 3.

⁶ Lee, Narayanswamy, Rauhala & Denyer, *supra* note 2.

⁷ Nicholas Nehamas, Caitlin Ostroff & Sarah Blaskey, *Massage Parlor Magnate Helped Steer Chinese to Trump NYC Fundraiser, Attendee Says*, MIAMI HERALD (Mar. 9, 2019), <https://www.miamiherald.com/news/politics-government/article227358809.html>.

⁸ Aaron Albright, Sarah Blaskey, Caitlin Ostroff & Nicholas Nehamas, *Who Has Gained Access to President Trump and Mar-a-Lago Through Cindy Yang?*, MIAMI HERALD (Apr. 8, 2019), <https://www.miamiherald.com/news/nation-world/article228882284.html>. The *Herald* identified Xianqin Qu, Ren Mulhua, Tong Jingling, Jie Yang, Wu Hao, Lou Li, Jiang Rul, Shanle Li, Yun Li, Huang Yacun, Liang Lu, Lu Zihan, and Zijing Xu as Yang’s guests. *Id.*; see also Blaskey, Nehamas & Ostroff, *supra* note 3.

“However,” the *Herald* reported, “in the weeks before the event, Yang and three associates embarked on a flurry of giving to Trump Victory”:

Yang donated \$23,500 in three payments. Li Jing, a New York-based Chinese socialite who once told a Chinese-language magazine that there is “zero distance” between her and the Trumps, gave \$27,000. (The Asian GOP’s director said Jing had helped Yang recruit guests.)

Although one guest interviewed by the *Herald* said he got his ticket through Jing, she denied being a recruiter or fundraiser for the Asian GOP. She said any donation she made was for herself only and she could not recall contributing \$25,000, although she said she made two \$1,000 donations around that time.

Jon Deng, whom the Asian GOP website listed as director of its Palm Beach County chapter, and his wife donated \$85,000. Neither appears to have attended the event in New York.

Hui Liu said her husband, Deng, was traveling. Asked about the donations, she said: “I do not want to talk about that.” Deng did not return phone messages.⁹

6. Cliff Zhonggang Li, the executive director of the National Committee of Asian American Republicans, told *Mother Jones* “that Yang, working as a volunteer for his group, brought 20 to 30 people to the December 2017 fundraiser in New York. He said Yang’s guests were part of a group of more than 100 Chinese Americans and Chinese citizens who were present at the event, which was reportedly attended by roughly 400 people.”¹⁰ “I don’t know if they contributed indirectly or not,” Li told *Mother Jones*, referring to Chinese citizens:

Li said that he believed Chinese executives who attended may have lacked green cards or US citizenship, and that he was concerned that some attendees might have funneled illegal donations through American straw donors. He noted that he was especially worried about attendees who were not part of the group Yang

⁹ Blaskey, Nehamas & Ostroff, *supra* note 3.

¹⁰ Dan Friedman, *Head of Asian GOP Group Says He ‘Wouldn’t Rule Out’ Illegal Foreign Donations to Trump*, MOTHER JONES (Mar. 15, 2019), <https://www.motherjones.com/politics/2019/03/head-of-asian-gop-group-says-he-wouldnt-rule-out-illegal-foreign-donations-to-trump/>.

brought. But he said he could not rule out similar issues among the contingent that she worked with. “I couldn’t vet everyone,” he said. “I wouldn’t rule out the possibility of wrongdoing.”

Li emphasized that he was not asserting that Yang broke the law. But “nobody can really investigate everyone to make sure that there was no indirect under the table contribution,” he said. “She was bringing people from outside the Asian GOP into this event. I just don’t know.”¹¹

7. The *Miami Herald* later reported that Xinyue “Daniel” Lou, a “United States-based promoter for the Chinese Communist Party” and a U.S. citizen, had brought “30 Chinese guests” to the December 2, 2017 fundraiser, after which he “signed a contract with the Republican National Committee to become an official fundraiser for President Donald Trump’s reelection campaign at the same time Trump was launching a bellicose trade war against Lou’s homeland”:¹²

According to Lou’s LinkedIn, RNC Chairwoman Ronna McDaniel offered Lou an official position as a volunteer fundraiser for Trump Victory after Lou brought 30 Chinese guests to a \$2,700-per-seat fundraiser for Trump’s reelection held at Cipriani Restaurant in New York on Dec. 2, 2017. As an official fundraiser, Lou subsequently advertised Trump campaign events across the country to his friends on WeChat.

Lou told the *Herald* the RNC had advised him not to comment on his fundraising activities for the committee, his association with Yang, or his previous activities in conjunction with the Communist Party.¹³

8. The *Herald* further reported:

It’s a strange-bedfellows tale with national security implications. Trump needed to fill seats at private galas and campaign events, while Chinese capitalists wanted to cozy up to the American businessman-turned-president an interest encouraged by a communist government looking for access.

¹¹ *Id.*

¹² Sarah Blaskey, Caitlin Ostroff, Jay Weaver & Nicholas Nehamas, *How a Chinese Communist Party Promoter Tied to Cindy Yang Joined the Trump Campaign*, MIAMI HERALD (Apr. 25, 2019), <https://www.miamiherald.com/news/politics-government/article229151249.html>.

¹³ *Id.*; see also Daniel Lou, LinkedIn, <https://www.linkedin.com/in/daniel-lou-0b922a/> (last viewed May 6, 2019) (Where Lou writes, “After successfully organized 30 Chinese Trump Supporters to attend Breakfast with President Trump event in New York City on December 2 2017, I was invited by RNC Chairwoman Ronna McDaniel to join the Trump Victory Finance Committee as a volunteer fund raiser and has successfully participated in the fund raising functions in Cleveland and Dallas since.”).

Out of this marriage of supply and demand emerged a tacitly Chinese state-endorsed gray market selling tickets to Trump-related events to Chinese business people. It's where Lou's life overlapped with that of Li "Cindy" Yang founder of a chain of South Florida Asian day spas, whose latest start-up involved selling presidential access over Chinese-language social media.¹⁴

9. On March 3, 2018, Trump Victory held a fundraiser at Mar-a-Lago, with reception admission contingent on a \$2,700 contribution, two seats for dinner in exchange for raising \$25,000, and two dinner tickets and a photo with President Trump in exchange for raising \$50,000, in \$5,400 increments.¹⁵ An invitation circulated in Chinese language media by the company AmeriChina, a translated version of which is attached as Exhibit A, offered “Chinese entrepreneur leaders” a package where they would fly to Palm Beach and “[p]articipate in the dinner and take a one-on-one photo with Trump.” The invitation described RNC Chair Ronna McDaniel and RNC finance chair Todd Ricketts as the “host[s]” of the event. Cindy Yang attended this fundraiser and appeared in a signed photograph with the president;¹⁶ the *New York Times* reported that “[o]ver the weeks leading up to the event, at least nine people in Ms. Yang’s orbit, some of them with modest incomes, made donations at exactly \$5,400”:

One of the \$5,400 political donations came from a 25-year-old woman who gives facials at a beauty school, in a strip mall in nearby Palm Beach Gardens that is owned by Ms. Yang’s family. Another \$5,400 came from a woman who says she worked as a receptionist at a massage parlor owned by Ms. Yang’s husband. A third gift of \$5,400 came from an associate of Ms. Yang’s who had been charged

¹⁴ Blaskey, Ostroff, Weaver & Nehamas, *supra* note 12.

¹⁵ See, e.g., Alex Leary, *Trump Fundraiser Set for Mar-a-Lago in March*, TAMPA BAY TIMES (Feb. 3, 2018), <https://www.tampabay.com/florida-politics/buzz/2018/02/03/trump-fundraiser-set-for-mar-a-lago-in-march/>; see also George Bennett, *Mar al Lago Make-Up: Trump to Headline March 3 Fundraiser*, POST ON POLITICS BLOG (Feb. 3, 2018), <http://postonpolitics.blog.palmbeachpost.com/2018/02/03/mar-a-lago-make-up-trump-to-headline-march-3-fundraiser/>; see also <https://cmgpbppostonpolitics.files.wordpress.com/2018/02/trump-invite.jpg>.

¹⁶ Nehamas, Ostroff & Blaskey, *supra* note 7.

in 2014 after a prostitution sting with practicing health care without a license, police records show.¹⁷

The receptionist, Bingbing Peranio, told the *New York Times* that Yang had helped fill out the check to the president's campaign, and refused to answer if Yang had reimbursed her for the contribution.¹⁸ The FBI has reportedly opened an investigation into whether Yang reimbursed Peranio for the contribution or "illegally funneled money from China into the president's re-election effort," and has issued a subpoena to Peranio.¹⁹ According to the *Miami Herald's* review of photos and social media posts, at least four other individuals were Yang's guests at this fundraiser.²⁰

10. On May 31, 2018, Trump Victory held a fundraiser in Dallas, Texas. The *Post* obtained an invitation to the event, attached as Exhibit B, which was reportedly "circulated to dozens of wealthy entrepreneurs in China":

Topped with the insignia of a real Republican committee raising money for the party and President Trump's reelection campaign, it purported to offer a handshake and a one-on-one photo with the president for \$100,000 — a "VVIP" trip "to be remembered for a lifetime."

The invitation, which Republican Party officials say they had nothing to do with, was not the only such offer. At least two other China-based companies circulated similar solicitations in the past week, offering access to Trump at an official fundraiser in Dallas on May 31, and charging two or three times the price of a ticket.²¹

¹⁷ Frances Robles, Michael Forsythe & Alexandra Stevenson, *She Extols Trump, Guns & the Chinese Communist Party Line*, N.Y. TIMES (Mar. 16, 2019), <https://www.nytimes.com/2019/03/16/us/cindy-yang-trump-donations.html>.

¹⁸ *Id.*

¹⁹ Jay Weaver, Nicholas Nehamas, Caitlin Ostroff & Sarah Blaskey, *Feds Open Foreign-Money Investigation Into Trump Donor Cindy Yang*, MIAMI HERALD (May 9, 2019), <https://www.miamiherald.com/news/politics-government/article230217729.html>.

²⁰ Albright, Blaskey, Ostroff & Nehamas, *supra* note 8 (identifying Lu Kunning, Lu Biao, Yuan Yue, and Zhu Ruining as Yang's guests).

²¹ Lee, Narayanswamy, Rauhala & Denyer, *supra* note 2.

11. The *Post* reported that a Beijing-based man named Sun Changchun organized the invite to the May 31, 2018 Dallas fundraiser, and also arranged for Chinese nationals to attend the December 2, 2017 New York fundraiser.²² According to the *Post*, he was:

promoting the Dallas event on WeChat, a Chinese messaging service. He claimed to have arranged both the Dallas and New York trips. He told *The Post* that he planned to give the Dallas ticket proceeds to the RNC, but provided no evidence to substantiate that assertion or any relationship with the RNC. His understanding, he said, was that the RNC would in turn donate the money to charity.

Sun's invite claims that he and his associates have "prior experience participating in three Republican president dinners in 2017," including the New York visit. *The Post* could not independently verify his involvement in any trips.

....

The Post contacted several Chinese guests whose U.S. trips Sun claims to have facilitated, including Li, but none agreed to an interview.²³

12. On June 29, 2018, Trump Victory held a fundraiser in Milwaukee, Wisconsin. An invitation circulated by the company "Buds" on Chinese language media, a translated version of which is attached as Exhibit C, invited "three Chinese entrepreneurs to visit the United States" and attend the fundraiser, and take a picture with the president.²⁴ The invitation does not list prices, but according to the *Milwaukee Business Journal*, "For admission to lunch, a listing on the host board and a photo opportunity with Trump, a couple pays \$25,000. At \$35,000 for an individual and \$50,000 for a couple, contributors get a photo opportunity, a seat at a roundtable and a listing on the host board."²⁵ A translated version of the invite stated:

²² *Id.*

²³ *Id.*

²⁴ Exhibit C.

²⁵ Rich Kirchen, *Trump's planned Milwaukee visit for Foxconn groundbreaking includes \$2,700-\$100,000 per couple fundraiser*, MILWAUKEE BUSINESS JOURNAL (Jun. 7, 2018),

On June 29th, we will invite three Chinese entrepreneurs to visit the United States to attend the luncheon of US President Trump, when President Trump will attend the banquet in person. The luncheon is designed for business communication. You will meet face-to-face with President Trump to introduce business plans and needs, and in the discussion with business leaders, grasp the development trend of Sino-US economic and trade relations in advance, and at the same time promote individuals. Reputation and the creation of corporate IP images provide a good opportunity. In addition, you will receive a separate photo shoot with the President, photographed by a White House professional photographer. The event was co- chaired by US Republican President Ronald McDaniel, Finance Chairman Todd Ricketts and Wisconsin's Finance Chairman Ted Kellner.²⁶

13. The translated invitation states that an attendee must “[h]old a US visa or green card (Chinese identity: passport of the person to be submitted, personal profile in Chinese and English, company profile; US identity: submit driver's license, social security number)” and submit their passport for a background check.²⁷
14. On March 16, 2018, the Palm Beach Republican Party held its annual Lincoln Day fundraiser at President Trump’s Mar-a-Lago.²⁸ Cindy Yang attended the event and it was advertised on the National Committee of Asian American Republicans’ website. A “VIP” invitation circulated in Chinese media, a translated version of which is attached as Exhibit D, advertised the Lincoln Day event and suggested attendees could access Ivanka Trump.
15. On May 22, 2019, the *Washington Post* reported that invitations like these, “promoted online to wealthy entrepreneurs in China,” are “part of a sprawling cottage industry claiming to provide intimate access to Trump, sometimes at official Republican

<https://www.bizjournals.com/milwaukee/news/2018/06/07/trumps-plannedmilwaukee-visit-for-foxconn.html>.

²⁶ Exhibit C.

²⁷ *Id.*

²⁸ Palm Beach Republican Party website, Lincoln Day Dinner, “Sponsorship,” <https://www.lincolnday.gop/sponsorship>.

fundraisers and often for a hefty fee.”²⁹ The *Post* spoke to an employee of HGGT Limited, “a financial services company registered in Hong Kong that operates in mainland China,” which is circulating an invitation to a June 2019 “President Trump Breakfast” at Mar-a-Lago. A translated version of the invitation is attached as Exhibit E. The invitation is on “Trump Victory” letterhead and states that “RNC Chairwoman Ronna McDaniel and National Finance Chairman Todd Ricketts cordially invite you to a breakfast reception” with President Trump, offering packages priced at \$70,000 and \$15,000.³⁰ RNC officials told the *Post* that no such event is planned and that they did not authorize the company to use the logo for Trump Victory.³¹ The translated website accompanying the invitation describes a “Trump breakfast meeting” limited to 300 participants, and that “[a] green card or citizen can take a photo with President Trump.”³² According to the *Post*:

Reached by The Post, an HGGT employee said the company’s owner routinely receives what she described as authentic invitations to exclusive Trump events in the United States and sells some or all of his allotted seats to Chinese nationals.

Communicating via HGGT’s account on WeChat, a Chinese social media platform, the woman gave her name as Cici and said she was a personal assistant to the chief executive and founder, Ma Jin.

The assistant declined to provide her last name or make Ma available for an interview. But a human resources official, contacted at the company by phone, said that anyone reached through the official WeChat account is a confirmed employee of the company.

Cici declined to describe Ma’s citizenship or residency status.

²⁹ Michelle Ye Hee Lee, Anu Narayanswamy & Lyric Li, *In China, a Flourishing Industry Claims to Sell Access to President Trump*, WASH. POST (May 22, 2019), https://www.washingtonpost.com/politics/in-china-a-flourishing-industry-claims-to-sell-access-to-president-trump/2019/05/22/10bd91a0-7739-11e9-bd25-c989555e7766_story.html.

³⁰ Exhibit E at 8.

³¹ Lee, Narayanswamy & Li, *supra* note 29.

³² Exhibit E at 9.

Ma's name did not turn up in federal databases of donors who have given more than \$200 to political committees.

Asked whether the company was aware that foreigners are not allowed to make campaign contributions, Cici replied, "Thank you, we are fully aware of that." She then cut off the conversation and blocked the reporter from contacting her.³³

16. Other invitations circulated in Chinese media include:
 - a. An invitation to President Trump's January 20, 2017 inauguration, which describe the perks associated with donations to the inaugural committee above \$25,000, \$100,000, \$250,000, \$500,000, and \$1 million, but which advertises tickets costing approximately \$28,200 (\$189,500 yuan) to "[o]ccupy the best viewing position seated at the inauguration ceremony, witnessed Trump's oath of office." A translated version is attached as Exhibit F.
 - b. An invitation to an October 2, 2017 "Golden Autumn Dinner" event with President Trump in Washington, D.C., including "a chance to take photos with the President" at a cost of "\$205,000/person." A translated version is attached as Exhibit G.³⁴
 - c. An invitation to a February 25, 2018 "Presidential Private Estate Presidential Meeting" at Mar-a-Lago, a translated version of which is attached as Exhibit H, which appears to relate to a gala fundraiser for a nonprofit called "The Truth About Israel."³⁵ Participation was limited to 10 "Chinese entrepreneurs," each charged approximately \$56,000 (380,000 yuan), with the

³³ Lee, Narayanswamy & Li, *supra* note 29.

³⁴ There does not appear to be a public record of a Trump Victory fundraiser in Washington, D.C., on October 2, 2017. However, President Trump was in Washington D.C. on that date. *See Trump Discusses Immigration Ideas in Dinner With Republican Lawmakers*, REUTERS (Oct. 2, 2017), <https://www.reuters.com/article/us-usa-immigration/trump-discusses-immigration-ideas-in-dinner-with-republican-lawmakers-idUSKCN1C803M>.

³⁵ *See* THE TRUTH ABOUT ISRAEL GALA, <http://truthaboutisraelgala.org> (last visited May 6, 2019).

invitation noting, “Because this event is a charity dinner, so the photo with the president is lower than the regular price.”³⁶ Yang attended this event with three guests, according to the *Miami Herald*.³⁷

- d. An invitation to a December 31, 2018 New Years Eve event at Mar-a-Lago, a translated version of which is attached as Exhibit I, charging between \$120,000 and \$150,000 for up to four people, noting “a professional photographer has the opportunity to take a photo with the president and the president’s family at the reception.”

SUMMARY OF THE LAW

- 17. Federal law prohibits a foreign national from directly or indirectly making a contribution in connection with a Federal, State, or local election, 52 U.S.C. § 30121(a)(1), prohibits any other person from soliciting a foreign national to make such a contribution, *id.* § 30121(a)(2), or from knowingly providing substantial assistance in the solicitation, making, acceptance or receipt of such a contribution, 11 C.F.R. § 110.20(h)(1).
- 18. “Contribution” is defined as “any gift . . . of money or anything of value made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(8)(A)(i).

³⁶ Exhibit H at 5.

³⁷ Albright, Blaskey, Ostroff & Nehamas, *supra* note 8 (identifying Kui Zhang, Lei Yu, and Jie Yong as Yang’s guests).

19. “Foreign national” is defined as (1) a “foreign principal,” such as a foreign corporation,³⁸ and (2) “an individual who is not a citizen of the United States or a national of the United States.” 52 U.S.C. § 30121(b)(1-2).
20. Commission regulations provide that “a foreign national shall not, directly or indirectly, make a contribution or a donation of money or other thing of value, or expressly or impliedly promise to make a contribution or a donation, in connection with any Federal, State, or local election.” 11 C.F.R. § 110.20(b).
21. Commission regulations additionally provide that “[n]o person shall knowingly provide substantial assistance in the solicitation, making, acceptance or receipt of a contribution or donation” prohibited under this section. *Id.* § 110.20(h)(1).
- “Substantial assistance” refers to “active involvement in the solicitation, making, receipt or acceptance of a foreign national contribution or donation with an intent to facilitating the successful completion of the transaction.”³⁹ Such substantial assistance is provided “knowingly” if the person is “aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted or received is a foreign national, but the person failed to conduct a reasonable inquiry,” *id.*
- § 110.20(a)(4)(iii), or if a person is “aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited, accepted or received is a foreign national,” *id.* § 110.20(a)(ii). Pertinent facts include whether the contributor or donor resides abroad, *id.* § 110.20(a)(5)(iv),

³⁸ The statute cross-references the definition of “foreign principal” at 22 U.S.C. § 611(b), which defines “foreign principal” to include “a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” 22 U.S.C. § 611(b)(3).

³⁹ Explanation and Justification for 11 C.F.R. § 110, 67 Fed. Reg. 69928, 69945-46 (Nov. 19, 2002) <https://sers.fec.gov/fosers/showpdf.htm?docid=3182>.

uses a foreign address, *id.* § 110.20(a)(5)(ii), or uses a foreign passport for identification purposes, *id.* § 110.20(a)(5)(i).

22. FECA additionally provides that “[n]o person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution and no person shall knowingly accept a contribution made by one person in the name of another person.” 52 U.S.C. § 30122.
23. The Commission regulation implementing the statutory prohibition on “contributions in the name of another” provides the following examples of “contributions in the name of another”:
 - a. “Giving money or anything of value, all or part of which was provided to the contributor by another person (the true contributor) without disclosing the source of money or the thing of value to the recipient candidate or committee at the time the contribution is made,” 11 C.F.R. § 110.4(b)(2)(i), and
 - b. “Making a contribution of money or anything of value and attributing as the source of the money or thing of value another person when in fact the contributor is the source.” 11 C.F.R. § 110.4(b)(2)(ii).
24. The requirement that a contribution be made in the name of its true source promotes Congress’s objective of ensuring the complete and accurate disclosure by candidates and committees of the political contributions they receive,⁴⁰ and ensures that the

⁴⁰ *United States v. O'Donnell*, 608 F.3d 546, 553 (9th Cir. 2010) (“[T]he congressional purpose behind [Section 30122]—to ensure the complete and accurate disclosure of the contributors who finance federal elections— is plain.”) (emphasis added); *Mariani v. United States*, 212 F.3d 761, 775 (3d Cir. 2000) (rejecting constitutional challenge to Section 30122 in light of the compelling governmental interest in disclosure).

public and complainant Christ have the information necessary to evaluate candidates for office and cast an informed vote.

CAUSES OF ACTION

I. CINDY YANG, DANIEL LOU, SUN CHANGCHUN, MARGARET YANG, JIUSI YAO, MA JIN, AND JOHN AND/OR JANE DOE VIOLATED THE BAN ON KNOWINGLY PROVIDING SUBSTANTIAL ASSISTANCE TO FOREIGN NATIONALS MAKING CONTRIBUTIONS

25. FECA prohibits any person from knowingly providing substantial assistance in the solicitation, making, acceptance or receipt of a foreign national's contribution. 11 C.F.R. § 110.20(h)(1). Such substantial assistance is provided "knowingly" if a person is "aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited, accepted or received is a foreign national." *Id.* § 110.20(a)(ii).
26. According to published reports, for over two years, Chinese nationals residing in China have been invited to U.S. fundraisers for committees including Trump Victory Fund, Donald J. Trump for President, Inc., the RNC, the Palm Beach Republican Party, and the 45th Presidential Inaugural Committee, often at a six-figure cost. These invitations "are part of a sprawling cottage industry claiming to provide intimate access to Trump, sometimes at official Republican fundraisers and often for a hefty fee,"⁴¹ and offer attendees an opportunity to attend fundraisers where admission is generally contingent on making a contribution, and/or to take a picture with the president, a privilege only afforded to contributors who give or raise between \$25,000 and \$50,000. Organizers made clear that these excursions were for political

⁴¹ Lee, Narayanswamy & Li, *supra* note 29.

fundraising events, in some cases including the insignia of the Trump Victory Fund so that the invitation resembled an official fundraising invite. Published reports and photographs posted on social media indicate that multiple Chinese nationals who participated in these “VIP” excursions have gained admission to U.S. fundraisers, and some have taken photographs with the president. For example:

- a. A December 2, 2017 Trump Victory fundraiser in New York City with a \$1,000 admission fee attended by “a large group of business people from mainland China,”⁴² and where apparent Chinese nationals appeared in photographs with the president, a privilege reserved for \$50,000 contributors;⁴³ one organizer expressed concern that “Chinese executives who attended may have lacked green cards or US citizenship” and “that some attendees might have funneled illegal donations through American straw donors”;⁴⁴
- b. A March 3, 2018, Trump Victory fundraiser at Mar-a-Lago, with an invitation offering “Chinese entrepreneur leaders” a package to fly to Palm Beach and “[p]articipate in the dinner and take a one-on-one photo with Trump,” a privilege reserved for individuals who raise \$50,000 in \$5,400 increments. Cindy Yang appeared in a photo at the event after “at least nine people in Ms. Yang’s orbit, some of them with modest incomes, made donations at exactly \$5,400,”⁴⁵ triggering an FBI investigation into potential straw donations or

⁴² Nehamas, Ostroff & Blaskey, *supra* note 7.

⁴³ Blaskey, Nehamas & Ostroff, *supra* note 3; Lee, Narayanswamy, Rauhala & Denyer, *supra* note

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⁴⁴ Friedman, *supra* note 10.

⁴⁵ Robles, Forsythe & Stevenson, *supra* note 17.

foreign national contributions;⁴⁶ Yang additionally invited at least four guests;⁴⁷

- c. A May 31, 2018 Trump Victory fundraiser in Dallas, with an invitation “circulated to dozens of wealthy entrepreneurs in China” that was “[t]opped with the insignia of a real Republican committee raising money for the party and President Trump’s reelection campaign [that] purported to offer a handshake and a one-on-one photo with the president for \$100,000,” organized by a Beijing-based company that claimed “prior experience participating in three Republican president dinners in 2017”;⁴⁸
 - d. A June 29, 2018 Trump Victory fundraiser in Milwaukee, Wisconsin, with an invitation to “three Chinese entrepreneurs to visit the United States to attend the luncheon of US President Trump,” and offering “a separate photo shoot with the President, photographed by a White House professional photographer,”⁴⁹ a privilege reserved for individuals who contributed at least \$25,000;⁵⁰ and
 - e. A March 16, 2018 fundraiser for the Palm Beach Republican Party at Mar-a-Lago, with a “VIP” invitation circulated in Chinese media suggesting attendees could access Ivanka Trump.
27. In response to media inquiries, RNC officials and excursion organizers have claimed that the foreign nationals appearing at closed-door fundraisers and in \$50,000

⁴⁶ Nehamas, Ostroff & Blaskey, *supra* note 7.

⁴⁷ Albright, Blaskey, Ostroff & Nehamas, *supra* note 8 (identifying Lu Kunning, Lu Blao, Yuan Yue, and Zhu Ruining as Yang’s guests).

⁴⁸ Lee, Narayanswamy, Rauhala & Denyer, *supra* note 2.

⁴⁹ Exhibit B.

⁵⁰ Kirchen, *supra* note 25.

photographs with the president are “guests” of U.S. nationals who made contributions using their own personal funds.⁵¹ But it is not plausible that dozens of wealthy U.S. nationals are routinely making contributions of up to \$50,000 using their own funds, and then are passing the perks associated with that contribution to a Chinese tourist who paid a travel firm many times that amount. It is far more likely that U.S. nationals are being reimbursed for their contributions using some portion of the funds paid by Chinese nationals towards these “VVIP” travel packages.⁵² It is not known whether U.S. nationals are making contributions using their personal funds, and then being reimbursed for those contributions by selling the event tickets and photo opportunities to foreign nationals,⁵³ or whether the U.S. nationals are first receiving payment from foreign nationals for political tourism packages and using those funds to make contributions; in either case, it results in a foreign national directly or indirectly making a contribution, in violation of 52 U.S.C. § 30121.

28. Cindy Yang, as the head of a “consulting business called GY US Investments that promises to introduce Chinese investors into the president’s orbit” and fundraiser for the Asian GOP, “arranged the presence of a large group of business people from mainland China” to attend a Trump Victory fundraiser in December 2017, and “[i]n

⁵¹ See, e.g., Lee, Narayanswamy, Rauhala & Denyer, *supra* note 2.

⁵² This inference is strengthened by the fact that travel packages offering access to the president at non-political fundraisers are offered at a discount. Compare Exhibit H (“Because this event is a charity dinner, so the photo with the president is lower than the regular price”), with Exhibit A-D, F-G, I. The itineraries for political and non-political tourism excursions are similar, *see id.*, so the travel and logistical costs for political and non-political fundraisers should also be similar. The fact that foreign nationals are charged a higher rate to attend a political fundraiser is further evidence that some portion of their funds is being used to make contributions in order to gain access to the fundraiser.

⁵³ In an interview with the *Washington Post*, one employee of a travel firm “said the company’s owner routinely receives what she described as authentic invitations to exclusive Trump events in the United States and sells some or all of his allotted seats to Chinese nationals.” Lee, Narayanswamy & Li, *supra* note 29. The owner’s name did not appear in Commission records as having made contributions. *Id.*

online ads targeting overseas clients — mostly from China — Yang promoted schmoozy fundraisers as opportunities to mingle with Trump, his family and other top Republicans.”⁵⁴ Reporting by the *Miami Herald* identified multiple foreign nationals who were Yang’s “guest” at fundraisers for federal or local political committees,⁵⁵ and a Yang associate told *Mother Jones* “that he was concerned that some attendees [at the December 2017 fundraiser] might have funneled illegal donations through American straw donors.”⁵⁶

29. Daniel Lou, a “United States-based promoter for the Chinese Communist Party,” brought “30 Chinese guests” to the December 2017 Trump Victory fundraiser, after which he “signed a contract with the Republican National Committee to become an official fundraiser for President Donald Trump’s reelection campaign.”⁵⁷
30. The Beijing-based Sun Changchun is the “head of a Chinese cultural exchange company” who claims to have also arranged for Chinese nationals to attend the December 2017 RNC fundraiser. He circulated an invitation to the May 2018 Trump Victory fundraiser “to dozens of wealthy entrepreneurs in China” promising a \$100,000 photo with the President, and has boasted of experience “participating in three Republican president dinners in 2017.”⁵⁸ Changchun told the *Washington Post* that he planned to give the proceeds from one fundraising event to the RNC.⁵⁹

⁵⁴ Albright, Blaskey, Ostroff & Nehamas, *supra* note 8.

⁵⁵ *Id.*

⁵⁶ Friedman, *supra* note 10.

⁵⁷ Blaskey, Ostroff, Weaver & Nehamas, *supra* note 12.

⁵⁸ Exhibit B; *see also* Lee, Narayanswamy, Rauhala & Denyer, *supra* note 2.

⁵⁹ Lee, Narayanswamy, Rauhala & Denyer, *supra* note 2.

31. Margaret Yang is the founder of AmeriChina Group, a company based in Beijing and New York offering high-end U.S. tours to Chinese clients.⁶⁰ According to an invitation posted on the website Sohu, AmeriChina invited “Chinese entrepreneur leaders” to attend the March 2018 Trump Victory fundraiser at Mar-a-Lago and to “[p]articipate in the dinner and take a one-on-one photo with Trump,” an opportunity reserved for individuals who raise \$50,000 in \$5,400 increments.⁶¹ (When contacted by the *Washington Post*, Yang claimed the “invitation appears to have been altered using her company’s logo,” but did not provide an explanation.⁶² AmeriChina continues to post other tours under the same account, on the same website.⁶³) The AmeriChina website also advertised a customized trip to President Trump’s inauguration,⁶⁴ with Yang marketing “a \$15,000 package to the official inauguration ceremony and the formal ball” to Chinese clients.⁶⁵
32. Jiusi Yao is the founder of “Buds,” described as “China’s first design and life aesthetics brand,” whose website advertises U.S. tours to Chinese clients.⁶⁶ Buds invited “three Chinese entrepreneurs to visit the United States” to attend the June 29,

⁶⁰ AmeriChina Group, *Founder*, <https://www.americhinagroup.com/en/about#en/founder> (last visited May 10, 2019).

⁶¹ Exhibit A.

⁶² Lee, Narayanswamy & Li, *supra* note 29.

⁶³ Compare AmeriChina, [AxC invites] *US President Trump invites you to participate in the Republican dinner - March 2, China's outstanding entrepreneurs leaders open a new path of Sino-US business cooperation* (Feb. 11, 2018), http://www.sohu.com/a/222136553_527054, with AmeriChina profile, SoHu.com, https://mp.sohu.com/profile?xpt=YW1lcmljaGluYWdyb3VwQHNvaHUuY29t&f=index_pagemp_2&spm=smpc.content.author.3.1557501420446l6c3dyU (last visited May 22, 2019).

⁶⁴ AmeriChina Group, *President Inauguration*, <https://www.americhinagroup.com/president-inauguration> (last visited May 10, 2019).

⁶⁵ Hezi Jiang & Wang Linyan, *Chinese Securing Their Places at Inauguration*, CHINA DAILY (Jan. 20, 2017), http://usa.chinadaily.com.cn/us/2017-01/20/content_28015463.htm.

⁶⁶ See Buds, <https://feng.ifeng.com/author/357978>.

2018 Trump Victory fundraiser in Milwaukee, and to take a photo with the president,⁶⁷ a privilege reserved for individuals who contributed at least \$25,000.⁶⁸

33. Ma Jin is the owner of HGGT Limited, “a financial services company registered in Hong Kong that operates in mainland China,” which is circulating an invitation to a June 2019 “President Trump Breakfast” at Mar-a-Lago.⁶⁹ Although the RNC told the *Washington Post* that this particular event is not scheduled, according to an HGGT Limited employee, Jin “routinely receives what [the employee] described as authentic invitations to exclusive Trump events in the United States and sells some or all of his allotted seats to Chinese nationals.”⁷⁰
34. The organizers of other fundraising excursions (John and/or Jane Doe), such as those described in Exhibits D, E, F, G, and I, similarly targeted Chinese nationals with Chinese language appeals, including, for example, offering airfare from mainland China as part of a package promising admission to U.S. political fundraising events and in some cases, a photograph with President Trump. Some invitations required attendees to provide passport information or other identification, likely in order to pass a U.S. Secret Service background check.
35. The available evidence indicates that Yang, Lou, Changchun, Yang, Yao, Jin, and John and/or Jane Doe are promoting fundraising events for U.S. political candidates and party committees to wealthy residents of mainland China and arranging for these foreign nationals to directly or indirectly make contributions through straw donors. Admission to these fundraising events is contingent on making a contribution, and the

⁶⁷ Exhibit B.

⁶⁸ Kirchen, *supra* note 25.

⁶⁹ Lee, Narayanswamy & Li, *supra* note 29; *see also* Exhibit E.

⁷⁰ Lee, Narayanswamy & Li, *supra* note 29.

privilege to take a picture with President Trump is also contingent on making a contribution, often between \$25,000 and \$50,000. Given the number of political tourism package invites directed at Chinese nationals, and the routine participation by Chinese nationals in these fundraising events, the most plausible explanation is that U.S. nationals are being reimbursed for their contributions using some portion of the funds paid by Chinese nationals towards the packages, and that by organizing these events and arranging these contributions, there is reason to believe that Yang, Lou, Changchun, Yang, Yao, Jin, and John and/or Jane Doe violated 11 C.F.R. § 110.20(h)(1) by knowingly providing substantial assistance to foreign nationals in making such contributions.

II. LI JING, JON DENG , HUI LIU, CINDY YANG, AND JOHN AND/OR JANE DOE VIOLATED THE STRAW DONOR BAN

36. No person shall make a contribution in the name of another person, and no person shall knowingly allow their name to be used to make a contribution in the name of another person. 52 U.S.C. § 30122.
37. As described *supra* count I, the pattern of political tourism packages inviting Chinese nationals to U.S. fundraisers where admission and presidential photos are contingent on making a contribution, and Chinese nationals routinely receiving admission and presidential photos, provides reason to believe that U.S. nationals (John Doe and/or Jane Doe) are being reimbursed for their contributions using some portion of the funds paid by Chinese nationals towards the packages.
38. Additionally, the *Miami Herald* reported that Cindy Yang invited multiple “guests” to the December 2, 2017 Trump Victory fundraiser, none of whom appear in

Commission records as having contributed to Trump Victory in their own names.⁷¹

“However,” the *Herald* reported, “in the weeks before the event, Yang and three associates embarked on a flurry of giving to Trump Victory”:

Yang donated \$23,500 in three payments. Li Jing, a New York-based Chinese socialite who once told a Chinese-language magazine that there is “zero distance” between her and the Trumps, gave \$27,000. (The Asian GOP’s director said Jing had helped Yang recruit guests.)

Although one guest interviewed by the *Herald* said he got his ticket through Jing, she denied being a recruiter or fundraiser for the Asian GOP. She said any donation she made was for herself only and she could not recall contributing \$25,000, although she said she made two \$1,000 donations around that time.

Jon Deng, whom the Asian GOP website listed as director of its Palm Beach County chapter, and his wife donated \$85,000. Neither appears to have attended the event in New York.

Hui Liu said her husband, Deng, was traveling. Asked about the donations, she said: “I do not want to talk about that.” Deng did not return phone messages.⁷²

39. Therefore, there is reason to believe that Jing, Deng, Liu, and/or other unknown persons (John Doe and/or Jane Doe) violated 52 U.S.C. § 30122 by “[g]iving money” to Trump Victory, “all or part of which was provided to” each individual by another person (*i.e.*, the true contributor(s)), without disclosing the true source of money at the time of making the contribution. *See* 11 C.F.R. § 110.4 (b)(2)(i). Based on published reports, there is reason to believe these individuals violated 52 U.S.C. § 30122 by “knowingly permit[ting their] name to be used to effect such a contribution.” 52 U.S.C. § 30122.
40. Additionally, based on published reports, there is reason to believe that the true source of those contributions, Cindy Yang and/or other unknown persons (John Doe

⁷¹ Albright, Blaskey, Ostroff & Nehamas, *supra* note 8.

⁷² Blaskey, Nehamas & Ostroff, *supra* note 3.

and/or Jane Doe), violated 52 U.S.C. § 30122 by “[m]aking a contribution of money” to Trump Victory Fund “and attributing as the source of the money . . . another person” when in fact Yang and John Doe and/or Jane Doe were the true source of the funds.

III. LI XIAOHUA, RYAN XU, AND OTHER FOREIGN NATIONALS VIOLATED THE BAN ON FOREIGN NATIONALS MAKING CONTRIBUTIONS

41. There is reason to believe that Li Xiaohua, Ryan Xu, and potentially dozens of other apparent foreign nationals have indirectly made contributions to federal and local political committees, in violation of 52 U.S.C. § 30121.
42. As described *supra* Count I, given the pattern of political tourism packages inviting Chinese nationals to U.S. fundraisers where admission and presidential photos are contingent on making a contribution, and Chinese nationals routinely appearing at fundraising events and in pictures with the president, there is reason to believe that at least some foreign nationals indirectly made contributions in order to receive these privileges. For example, at a December 2, 2017 Trump Victory fundraiser in New York City, where an event organizer expressed concern “that some attendees might have funneled illegal donations through American straw donors,”⁷³ apparent foreign nationals Xiaohua and Xu appeared in photographs with the president, a privilege reserved for \$50,000 contributors.⁷⁴
43. Therefore, based on published reports, there is reason to believe that Li Xiaohua, Ryan Xu, and other foreign nationals violated 52 U.S.C. § 30121(a)(1) by indirectly making contributions in connection with U.S. elections.

⁷³ Friedman, *supra* note 10.

⁷⁴ Blaskey, Nehamas & Ostroff, *supra* note 3; Lee, Narayanswamy, Rauhala & Denyer, *supra* note 2.

PRAYER FOR RELIEF

44. As a result, there is reason to believe that organizers of these fundraising events (Li Juan “Cindy” Yang, Xinyue “Daniel” Lou, Sun Changchun, Jingzhu “Margaret” Yang, Jiusi Yao, Ma Jin, and/or John Doe, Jane Doe, and other persons) violated FECA’s prohibition on knowingly providing substantial assistance in the solicitation, making, acceptance or receipt of a foreign national’s contribution, 11 C.F.R. § 110.20(h)(1), and that U.S. nationals who allowed their name to be used to facilitate such contributions or other straw contributions (Li Jing, Jon Deng, Hui Liu, Cindy Yang, and/or John Doe, Jane Doe, and other persons), violated the straw donor ban, 52 U.S.C. § 30122, and that foreign national contributors (including Li Xiaohua and Ryan Xu) violated the ban on foreign nationals making contributions, 52 U.S.C. § 30121, and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
45. Further, the Commission should seek appropriate sanctions for any and all violations, including civil penalties sufficient to deter future violations and an injunction prohibiting the respondents from any and all violations in the future, and should seek such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

Respectfully submitted,

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May 22, 2019

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.

For Complainant Margaret Christ

Margaret Christ

Sworn to and subscribed before me this ____ day of May 2019.

Notary Public

For Complainant Campaign Legal Center

Brendan M. Fischer

Sworn to and subscribed before me this ____ day of May 2019.

Notary Public